



DISTRICT ATTORNEY
QUEENS COUNTY
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KEW GARDENS, NEW YORK 11415-1568
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Richard A. Brown
District Attorney

March 11, 2019

Ms. Melissa Gira Grant
MuckRock News
DEPT MR 56414
411A Highland Avenue
Somerville, MA 02144-2516

via email: 56414-79268109@requests.muckrock.com

Re: Prostitution Data

Ms. Grant:

In response to your June 19, 2018, Freedom of Information Law (FOIL) request seeking data on prostitution offenses from January 1, 2012 to June 15, 2018, accompanying this letter is the data you requested in electronic form.

This data sets forth each arrest where the defendant was charged with one of the prostitution offenses listed in your request (all the charges this Agency brought are included) and resulted in a non-sealed criminal disposition offense, it also includes the other data fields that you requested and that are captured – the disposition, defendant's gender, race, ethnicity, and age. The offer is not included because that information is not contained electronically stored.

Additionally, the data on cases that were adjourned in contemplation of dismissal, were declined prosecution, or resulted in a sealed disposition will not be disclosed. When this Office declines to prosecute an arrest, the criminal prosecution is adjourned in contemplation of dismissal, or the defendant pleaded guilty to a violation of the law, the matter is, under the law, considered terminated in the defendant's favor and sealed. When a criminal matter is sealed pursuant to section 160.50 or 160.55 of the Criminal Procedure Law, all official records and papers relating to the arrest or prosecution on file with this Agency are sealed and are no longer available to any person or public or private agency. *See* C.P.L. §§ 160.50(1)(c), 160.55(1)(c). Those records are only accessible upon receipt of a notarized request signed by the defendant authorizing you to receive copies of this data or an unsealing order from the court. Without such documentation or order, I cannot disclose any information related to sealed matters. Thus, once a case has been sealed, all the information relating to the arrest or prosecution are not disclosable in any manner. And, under FOIL, an Agency is permitted to deny access to records that are exempted from disclosure under a state law. *See* Pub. Off. Law § 87(2)(a). As a result, the data contained in the accompanying Excel chart only concerns closed, non-sealed cases.

Within thirty days of this letter, you have the right to appeal this determination to Executive Assistant District Attorney John Castellano, the FOIL Appeals Officer, Office of the District Attorney of Queens County, 125-01 Queens Boulevard, Kew Gardens, New York 11415.

Regards,

/s/

Anastasia Spanakos
Assistant District Attorney
Records Access Officer